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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,931	04/19/2001	Cameron Wall	MYVTP0100US	8234
7590	05/19/2005		EXAMINER	
Todd R. Tucker Renner, Otto, Boisselle & Sklar L.L.P. Nineteenth Floor 1621 Euclid Avenue Cleveland, OH 44115			DASS, HARISH T	
			ART UNIT	PAPER NUMBER
			3628	
			DATE MAILED: 05/19/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/837,931	WALL ET AL.
Examiner	Art Unit	
Harish T Dass	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 19 April 2001.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-12 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/19/2001.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (hereinafter Walker – US 6,240,396) in view of Bezos et al (hereinafter Bezos – US 6,606,608).

Re. Claim 7, Walker discloses accessing an server by a remote client [Walker - see entire document particularly, Abstract; Figure 1 # 200, 2; C2 L59 to C3 L7], generating a request for venue information by an auction engine (or electronic ticket sale system or central controller 200/software) [Figures 1 # 400, 4-6; C6 L30-L64], transmitting said request for venue information from said auction engine to said server to a venue server [C6 L65 to C7 L12], transmitting venue information from a venue database to a database [Fig. 7e; C12 L17-L33], remote client requesting and releasing a ticket to an auction engine for auction (or sale or offer) [C7 L25-L34; C8 L10-L35], canceling identification information for a released ticket [C14 L18-L22], reissuing new ticket information for said released tickets [C6 L24-L29; C8 L20-L25; C13 L46-L55], and

transmitting said new ticket information to winning remote client and said venue database [C14 L13-L23]. Walker does not explicitly disclose auction and conducting an auction for said tickets until a winning bid or a sale at the instant sales price occurs. However, Bezos discloses these steps [see entire document particularly Abstract; Figures 6-7; C1 L11 to C2 L61] to provide bidding system that would encourage bidders to bid early and encourage bidding to precede a higher price to win the auction. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclosure of Walker and include auction and conducting an auction (for said tickets) until a winning bid or a sale at the instant sales price occurs, as disclosed by Bezos to win the bid for desirable ticket at desirable price.

Re. Claim 8, Walker discloses setting an instant sale price and an auction (offer) expiration time and determining an auction winner at the expiration of said auction expiration time [C5 L35-L39; C9 L41-L52; C10 L5-L9] and accepting a first bid including a maximum bid and accepting other incremental and maximum bids [C10 L28-L31; C60-L62].

Re. Claim 9, Walker discloses extending the auction (offer) expiration time (maintenance) [C8 L4-L5].

Re. Claim 10, Bezos further discloses decreasing the instant sales price [C2 L21-L24] to select Dutch auction type to sell remaining tickets.

Re. Claims 11-12, Walker discloses allowing an auction to be won by purchasing at the instant sales price [C2 L66 to C3 L4], and notifying a ticket seller that his tickets have been sold [C8 L10-L25].

Re. Claim 1, Walker discloses a server (Figure 2 # 200) and an engine (software) in communication with said auction server [Abstract; Figure 1 # 200, 2; C2 L59 to C3 L7; C3 L65 to C4 L26], a barcode (input device) canceler/issuer in communication with said auction engine [C6 L45-L64; C14 L19-L22]; and a database in communication with said auction engine capable of receiving and transmitting ticket information to the auction engine [figures 1-2; C2 L65 to C3 L7; C6 L1-L43]. Walker does not explicitly disclose a server and an engine for an auction. However, Bezos discloses this steps [see entire document particularly Abstract; Figures 6-7; C1 L11 to C2 L61] to provide bidding system that would encourage bidders to bid early and encourage bidding to precede a higher price to win the auction. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures Walker and Bezos and include auction to conducting an auction (offers) system allow winning bidders to purchase desired ticket for desire price.

Re. Claim 2, Walker discloses wherein said auction server is capable of communicating with clients and venues [C2 L59 to C3 L7; C3 L65 to C4 L26].

Re. Claim 3, Walker discloses wherein said barcode (input device) canceler/issuer may cancel and reissue ticket information [C6 L45-L64; C14 L19-L22].

Re. Claims 4 and 6, Walker discloses wherein said auction engine may conduct online purchasing transactions and wherein said auction database contains online transaction information [C7 L47 to C8 L25].

Re. Claim 5, neither Walker nor Bezos explicitly discloses wherein said ticket information includes barcode information. However, tickets with barcode are well known for example, lottery tickets have barcodes to allow the computer scanners to read the winning/losing ticket numbers and compare the ticket with lottery database to validate and match the ticket if a winner. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclosures of Walker and Bezos and include ticket barcode to allow the computer match the ticket number for validity and winnings.

### *Conclusion*

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

US 6,871,190 to Seymour et al, Mar. 22, 2005 "System And Method For Conducting An Electronic Auction Over An Open Communications Network" discloses

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interactive system conducting auctions over an open communications network. An interactive system conducts auctions over an open communications network. Remote bidder site(s) are interconnected with remote scum site(s). Data for desired merchandise to be acquired at an auction is entered and a bidding strategy is automatically generated at a remote bidder site.

US 6,110,044 to Stern, Aug. 29, 2000 "Method And Apparatus For Issuing And Automatically Validating Gaming Machine Payout Tickets" discloses a method and apparatus for enhancing security in issuing and redeeming gaming tickets is described in which a machine-readable indicium (preferably barcoding) is embodied in a payout ticket from a gaming machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass  
Examiner  
Art Unit 3628

5/16/05



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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600